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8 **BEFORE THE**  
9 **BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2013-658

13 **JAMES STEVEN HINTON, AKA JAMES**  
14 **HINTON**

15 **Address of Record:**  
16 **4 Elysium Drive**  
17 **Ely, NV, 89301**

**A C C U S A T I O N**

18 **Additional Address:**  
19 **102 Forest Drive W**  
20 **Payson, AZ 85541**

21 **Registered Nurse License No. 571661**

22 Respondent.

23 Complainant alleges:

24 **PARTIES**

25 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her  
26 official capacity as the Executive Officer of the Board of Registered Nursing, Department of  
27 Consumer Affairs.

28 2. On or about September 8, 2000, the Board of Registered Nursing ("Board") issued  
Registered Nurse License Number 571661 to James Steven Hinton, aka James Hinton  
("Respondent"). The Registered Nurse License expired on May 31, 2002, and has not been  
renewed.

## JURISDICTION

3. This Accusation is brought before the Board under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 2750 of the Business and Professions Code ("Code") provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Section 2811, subdivision (b) of the Code provides, in pertinent part, that the Board may renew an expired license at any time within eight years after the expiration.

6. Section 118, subdivision (b) grants the Board jurisdiction over suspended, expired, forfeited, cancelled, or surrendered licenses:

"The suspension, expiration, or forfeiture by operation of law of a license issued by a board in the department, or its suspension, forfeiture, or cancellation by order of the board or by order of a court of law, or its surrender without the written consent of the board, shall not, during any period in which it may be renewed, restored, reissued, or reinstated, deprive the board of its authority to institute or continue a disciplinary proceeding against the licensee upon any ground provided by law or to enter an order suspending or revoking the license or otherwise taking disciplinary action against the licensee on any such ground."

7. California Code of Regulations, title 16, section 1419.3 states:

"In the event a licensee does not renew his/her license as provided in Section 2811 of the code, the license expires. A licensee renewing pursuant to this section shall furnish a full set of fingerprints as required by and set out in section 1419(b) as a condition of renewal.

(a) A licensee may renew a license that has not been expired for more than eight years by paying the renewal and penalty fees as specified in Section 1417 and providing evidence of 30 hours of continuing education taken within the prior two-year period.

(b) A licensee may renew a license that has been expired for more than eight years by paying the renewal and penalty fees specified in Section 1417 and providing evidence that he or she holds a current valid active and clear registered nurse license in another state, a United States territory, or Canada, or by passing the Board's current examination for licensure."

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1 Order No. 0808116 ("Order") in which Respondent voluntarily surrendered his multistate  
2 privilege to practice nursing in Arizona. The facts and circumstances underlying the Order were:

3 (a) On or about August 25, 2008, Respondent submitted his application for  
4 professional nurse licensure by endorsement to the Arizona Board. On the application,  
5 Respondent admitted that he was currently being investigated and/or had disciplinary action  
6 pending against him in another state. Respondent submitted documents from the Texas Board of  
7 Nurse Examiners alleging unprofessional conduct relating to the administration of controlled  
8 substances and the intemperate use of Morphine Sulfate and Marijuana. Respondent had tested  
9 positive for both substances during a probable cause urine drug screen.

10 (b) On or about August 25, 2008, also in connection with his application for  
11 professional nurse licensure by endorsement, Respondent admitted that he engaged in diversion  
12 of narcotics for self-use and he admitted to the use of marijuana. He admitted that he had agreed  
13 to enter the Texas Peer Assistance Program for Nurses ("TPAPN") on or about June 26, 2006.

14 (c) On or about December 20, 2006, Respondent learned that he had been  
15 discharged from the TPAPN program.

16 (d) On or about October 22, 2008, during an interview with Arizona Board staff,  
17 Respondent admitted that he abused opioids, specifically Morphine Sulfate and Dilaudid. He also  
18 described himself as an occasional marijuana user.

19 (e) On or about November 12, 2008, during another interview with Arizona Board  
20 staff, Respondent could not provide the Board with an accurate employment history. He failed to  
21 disclose his employment with Pulse Staffing, Onward Healthcare in Wilton, Connecticut, and  
22 Kingman Regional Medical Center in Kingman, Arizona.

23 (f) On or about February 17, 2007, while employed by Pulse Staffing, Respondent  
24 failed to submit to a for-cause urine drug screen during his shift at Christus St. Catherine's  
25 Hospital in Katy, Texas. Respondent admitted that he failed to submit to the drug screen because  
26 he "did have an issue" at that time.

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3. Taking such other and further action as deemed necessary and proper.

DATED:

*February 21, 2013*

*for Marcie Ben*

LOUISE R. BAILEY, M.ED., RN  
Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
*Complainant*

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